

GP 2761

Attorney Docket No.: WD2-98-109

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In re Application of: Jay S. Walker et al.)

JUN 21 1999

For: METHOD AND APPARATUS)
FOR FACILITATING)
ELECTRONIC COMMERCE)
THROUGH PROVIDING)
CROSS-BENEFITS DURING A)
TRANSACTION)

Examiner: Not Yet Assigned

Group 2700



Serial No.: 09/219,267)

Group Art Unit: 2761

Filing Date: December 23, 1998)

Docket No.: WD2-98-109

St. J. Sauther

Assistant Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL LETTER

Sir:

Applicants hereby submit the following documents for the above-identified patent application:

1. Second Supplemental Information Disclosure Statement;
2. Form PTO-1449;
3. Copies of fifty (50) references cited therein; and
4. Return Receipt Postcard.

The Commissioner is hereby authorized to charge \$ 0.00 to Deposit Account No. 50-0271 for the fees required for the enclosed Information Disclosure Statement. The Commissioner is further authorized to charge any further required fees, or to credit any overpayment, to Deposit Account No. 50-0271. A duplicate copy of this authorization is attached for such purpose.

Respectfully submitted,

Dean Alderucci
Dean Alderucci
Attorney for Applicants
PTO Reg. No. 40,484
Walker Digital Corporation
One High Ridge Park
Stamford, CT 06905

June 15, 1999

Date

Certificate of Mailing

I hereby certify that this correspondence is being sent via first class mail in an envelope with sufficient postage addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on June 15, 1999.

Amy E. Sauther

Name of Person Making Deposit

Amy E. Sauther

Signature

June 15, 1999

Date

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Assistant Commissioner for Patents
 Washington, D.C. 20231

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a thorough search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed below and on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider these items and to independently ascertain their teaching.

A. U.S. Patent 4,247,759 entitled "SELF-SERVICE PASSENGER TICKETING SYSTEM," issued to Yuris Nova et al. on January 27, 1981.

B. U.S. Patent 4,449,186 entitled "TOUCH PANEL PASSENGER SELF- TICKETING SYSTEM," issued to Kelly et al. on May 15, 1984.

C. U.S. Patent 4,553,222 entitled "INTEGRATED INTERACTIVE RESTAURANT COMMUNICATION SYSTEM FOR FOOD AND ENTERTAINMENT PROCESSING," issued to Kurland et al. on November 12, 1985.

D. U.S. Patent 4,751,728 entitled "TELEPHONE CALL MONITORING, METERING AND SELECTION DEVICE," issued to Treat on June 14, 1988.

E. U.S. Patent 5,191,613 entitled "KNOWLEDGE BASED SYSTEM FOR DOCUMENT AUTHENTICATION," issued to Graziano et al. on March 2, 1993.

F. U.S. Patent 5,262,941 entitled "EXPERT CREDIT RECOMMENDATION METHOD AND SYSTEM," issued to Saladin et al. on November 16, 1993.

G. U.S. Patent 5,329,589 entitled "MEDIATION OF TRANSACTIONS BY A COMMUNICATIONS SYSTEM," issued to Fraser et al. on July 12, 1994.

H. U.S. Patent 5,361,199 entitled "AUTOMATED PROCUREMENT SYSTEM WITH MULTI-SYSTEM DATA ACCESS," issued to Shoquist et al. on November 1, 1994.

I. U.S. Patent 5,404,291 entitled "INVENTORY CONTROL PROCESS FOR RESERVATION SYSTEMS," issued to Kerr et al. on April 4, 1995.

J. U.S. Patent 5,420,914 entitled "SYSTEM AND METHOD FOR REAL TIME CARRIER SELECTION," issued to Blumhardt on May 30, 1995.

K. U.S. Patent 5,426,281 entitled "TRANSACTION PROTECTION SYSTEM," issued to Abecassis on June 20, 1995.

L. International PCT Application WO 98/26363 entitled "AUTOMATED AUCTION PROTOCOL PROCESSOR," published to Fraser et al. on June 18, 1998.

M. International PCT Application WO 98/34187 entitled "A METHOD OF HOLDING AN AUCTION AND USES OF THE METHOD," published to Grottehauge et al. on August 6, 1998.

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N. Website: "APOLLO HOST COMPUTER," Downloaded from <http://www.apollo.com>, Undated. **RECEIVED**
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O. Website: "THE SABRE GROUP: WELCOME TO SABRE DECISION TECHNOLOGIES," Downloaded from <http://www.sdt.com>, Undated. **Group 2700**

P. U.S. Patent 5,467,269 entitled "METHOD AND MEANS FOR TELEPHONICALLY CREDITING CUSTOMERS WITH REBATES AND REFUNDS," issued to Flaten on November 14, 1995.

Q. U.S. Patent 5,517,555 entitled "REAL TIME INFORMATION SYSTEM FOR CELLULAR TELEPHONES," issued to Amadon et al. on May 14, 1996.

R. U.S. Patent 5,519,769 entitled "METHOD AND SYSTEM FOR UPDATING A CALL RATING DATABASE," issued to Weinberger et al. on May 21, 1996.

S. U.S. Patent 5,553,131 entitled "PROVIDING THE MOST COST-EFFECTIVE LONG-DISTANCE TELEPHONE SERVICE BASED ON MILAGE BAND RATES," issued to Minervino, Jr. et al. on September 3, 1996.

T. U.S. Patent 5,606,602 entitled "BIDDING FOR TELECOMMUNICATIONS TRAFFIC," issued to Johnson et al. on February 25, 1997.

U. U.S. Patent 5,715,402 entitled "METHOD AND SYSTEM FOR MATCHING SELLERS AND BUYERS OF SPOT METALS," issued to Popolo on February 3, 1998.

V. U.S. Patent 5,732,400 entitled "SYSTEM AND METHOD FOR A RISK-BASED PURCHASE OF GOODS," issued to Mandler et al. on March 24, 1998.

W. U.S. Patent 5,745,882 entitled "ELECTRONIC CLASSIFIED ADVERTISING INTERFACE METHOD AND INSTRUCTIONS WITH CONTINUOUS SEARCH NOTIFICATION," issued to Bixler et al. on April 28, 1998.

X. U.S. Patent 5,758,328 entitled "COMPUTERIZED QUOTATION SYSTEM AND METHOD," issued to Giovannoli on May 26, 1998.

Y. U.S. Patent 5,794,219 entitled "METHOD OF CONDUCTING AN ON-LINE AUCTION WITH BID POOLING," issued to Brown on August 11, 1998.

Z. U.S. Patent 5,835,896 entitled "METHOD AND SYSTEM FOR PROCESSING AND TRANSMITTING ELECTRONIC AUCTION INFORMATION," issued to Fisher et al. on November 10, 1998.

AA. Ritter, Jeffrey B., "SCOPE OF THE UNIFORM COMMERCIAL CODE COMPUTER CONTRACTING CASES AND ELECTRICAL COMMERCIAL PRACTICES," 45 Bus. Law 2533, August 1990. **RECEIVED**
JUN 21 1999

BB. Speidel, Richard E. et al., "IMPACT OF ELECTRONIC CONTRACTING ON CONTRACT FORMATION UNDER REVISED UCC ARTICLE 2, SALES," C878 ALI-ABA 335, December 9, 1993. **Group 2700**

CC. Sotheby's General Information, downloaded from <http://www.sothbys.com>, (1996).

DD. Nimmer, Raymond T., "ELECTRONIC CONTRACTING: LEGAL ISSUES," 14 J. Marshall Computer & Infor. L. 211, Winter 1996.

EE. American Law Institute, Draft-Uniform Commercial Code Revised Article 2 (Sales), parts 2, 3, and 7, pages 1-15, January 4, 1996.

FF. "CATHAY PACIFIC ONLINE TICKET BIDDING," World Internet News Digest, May 8, 1996.

GG. Website: "ABOUT RATE HUNTER," downloaded from <http://207.49.64.77/rhprodrh.htm>, on July 14, 1996.

HH. Website: "PHONEMISER," downloaded from <http://www.phonemiser.com/faq/htm>, on July 14, 1996.

II. Nishimoto, Lisa, "MARKET ANALYSIS: TRAVEL SERVICES ARE FIRST ONLINE COMMERCE OFFERINGS TO FLY; MANY CORPORATIONS ARRANGE FLIGHT, CAR RENTAL, AND HOTEL BOOKINGS ON THE INTERNET," InfoWorld, Pg. 44, July 29, 1996.

JJ. Website: "CATHAY PACIFIC: CYBERTRAVELER AUCTION #3 – OFFICIAL RULES," downloaded from <http://www.cathaypacific.com>, Updated on July 30, 1996.

KK. Website: "AMERICAN AIRLINES INTERNET SILENT AUCTION," American Airlines, Inc., downloaded from <http://www.americanair.com>, in August 1996.

LL. Website: "CREST™: CRUISE/FERRY REVENUE MANAGEMENT SYSTEM," Revenue Technology Services Corporation, downloaded from <http://www.rtscorp.com/h2o.htm>, on August 5, 1996.

MM. "WORLD'S FIRST REAL-TIME TRAVEL AUCTION SERVICE TO BE AVAILABLE VIA WORLD WIDE WEB," Business Wire, November 4, 1996.

NN. Website: "WEB VENTURES PRESENTS BOOKIT!™," downloaded from **RECEIVED**
<http://www.webventures.com/bookit>, on December 2, 1996. **JUN 21 1999**

OO. "UK'S WORLD TELECOM UNVEILS NEW WORLDSAVER TARIFFS,"
Newsbytes, February 13, 1997. **Group 2700**

PP. Website: "FREQUENTLY ASKED QUESTIONS ABOUT: AIRHITCH,"
downloaded from <http://www.isicom.fr/airhitch/ahfaq>, on May 6, 1997.

QQ. Website: "AIRHITCH YOUR WAY TO LOW COST TRAVEL," downloaded
from <http://www.vaportrails.com/Budget/BudFeatures/Airhitch/Airhitch.html>, on May 6,
1997.

RR. Website: "HITCH A FLIGHT TO EUROPE," downloaded from
<http://www.travelassist.com/mag/a69.html>, on May 6, 1997.

SS. Website: "TRADE-DIRECT: WE HELP YOU TRADE WITH CONFIDENCE,"
downloaded from <http://www.trade-direct.com/>, on August 6, 1997.

TT. OpenSite™ Technologies, Inc., Brochure copyright date 1998.

UU. Website: "CSM ONLINE: COLLECTOR'S SUPER^{CSM} MALL™," downloaded
from <http://csmonline.com/help/aboutcsm.html>, on April 23, 1998.

VV. Website: "NETIS: AUCTION WEB™," downloaded from
<http://www.auctionweb.com/>, on October 13, 1998.

WW. Website: "ONSALE®," downloaded from
<http://onsale.com/category/inv/00000200/01051442.htm>, on October 15, 1998.

XX. Website: "DEALDEAL.COM: BID TO WIN," downloaded from
<http://www.dealdeal.com/pxcfm/bidandwin.cfm?classID=elc&cid=&cal=>, on October 29,
1998.

1. [] Any copy of the items listed above and on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in the prior [] **JUN 21 1999** Continuation, [] Divisional or [] Continuation in part application filed under 37 C.F.R. §§ 1.53 or 1.60, U.S. Serial No. _____, filed _____ **Group 2700**

2. [] For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): _____

3. [] For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): _____

4. [] In addition to the citations listed above, applicants respectfully direct the Examiner's attention to the following U.S. patent applications, which are commonly assigned to the assignee of the instant application, and which may be deemed pertinent to the instant application:

Serial No. Inventors Filing Date Group Art Unit Examiner's Init.

The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application. These applications have not been listed on the accompanying Form PTO-1449 in order to preserve their secrecy during the course of their prosecution.

5. [X] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:

[] 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.

[] 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.

[X] 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.

6. [] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 5 above but before the mailing date of a

final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below.

7. [] A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 11 below.
8. [] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:
 - a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below; and
 - b. the attached petition requesting consideration of this Information Disclosure Statement; and
 - c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 11 below.
9. [] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:
 - [] 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;
 - [] 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.
 - [] The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 11 below.
10. [] I hereby certify:
 - [] that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent

office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of such communication is enclosed.

[] that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

11. [] Please accept payment of the fees due as indicated below:

[] A check in the amount of \$240.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).

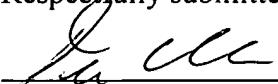
[] The Commissioner is hereby authorized to charge \$240.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p). A duplicate copy of this sheet is attached for such purpose

[] A check in the amount of \$130.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(i)(1).

[] The Commissioner is authorized to charge \$130.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(i)(1). A duplicate copy of this sheet is attached.

12. [X] The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A copy of this authorization is attached.

Respectfully submitted,



Dean Alderucci

Attorney for Applicants
PTO Reg. No. 40,484
Walker Digital Corporation
One High Ridge Park
Stamford, CT 06905
(203) 329-1114 (phone)
(203) 595-8266 (fax)

June 15, 1999

Date